

State Department, Annapolis March 1st 1851.

Wm. B. Wood
 Attorney General, Md.
 Sir.

By direction of the Governor, I respectfully
 submit for your legal opinion, the following points, which are involved in a
 case (State case) upon requisition from the Governor of Pennsylvania, for the delivery of an
 attorney alleged fugitive from justice now pending in this Department.

1st Can the Governor go behind the requisition, to inquire into facts not
 appearing apparent upon the accompanying record? Can he take evidences of facts,
 certain *aliunde*, to dispute the jurisdiction of the State, from ^{whose} executive the requisition
 interrogative proceeds? Can he enquire into the nature of the crime charged, and deny the
 requisition, if by the laws of Maryland there has been no crime committed?

If the preceding questions are answered affirmatively, then,

2nd Can a person charged as an accessory or conspirator, be claimed by
 requisition as a fugitive from the justice of a foreign State, where, in fact, he
 was not personally present in said State in connection with the crime alleged.

3^d If the law of a foreign State, holds that the issue born, in that State, of a
 fugitive slave, is free, which, by the laws of Maryland, is held to be bond, and
 the same be recovered by the master of the mother, in an otherwise legal
 manner, can the master be holden chargeable with kidnapping? which
 law governs; the law of the State, whence the slave mother escaped, or that of
 the State in which her offspring is born?

Finally, upon the facts conveyed in the two last enquiries, if proved
 to the satisfaction of the Governor of this State, *aliunde* the requisition & record,
 can he deny the requisition without a violation of the federal Constitution?

Your immediate, & most careful attention to this
 communication is solicited, inasmuch as there is now depending before
 the Governor a case, the determination of which involves interests of the deepest
 importance, not only to a private citizen, but to the State of Maryland, and her
 sister States, with whom she is anxious to preserve amicable relations, under the
 equal protection of the federal compact.

(Very Respectfully, Your obt. Servant,
 Thomas H. O'Neal
 Secy of State.)